

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

EMANUEL E. MADDOX,
Plaintiff,

v.

JACK LEE, et al.,
Defendants.

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Civil Case No. 7:13cv00343

MEMORANDUM OPINION

By: Norman K. Moon
United States District Judge

Emanuel E. Maddox, a Virginia inmate proceeding *pro se*, brings this action under 42 U.S.C. § 1983 against Jack Lee and the Middle River Regional Jail, alleging that his rights were violated when he was given only 30 minutes of recreation time on one occasion while trustee inmates were given an hour of recreation. I find that Maddox has failed to state a claim against any of the named defendants and, therefore, I will dismiss his complaint without prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. *West v. Atkins*, 487 U.S. 42 (1988). Inasmuch as Maddox alleges no facts specifically against Jack Lee, I will dismiss this action against Lee. Further, as the Middle River Regional Jail is not a “person” subject to suit under § 1983, Maddox also cannot maintain his action against the defendant jail. *See McCoy v. Chesapeake Correctional Center*, 788 F. Supp. 890 (E.D. Va. 1992).

For the reasons stated, I will dismiss Maddox’s § 1983 action without prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

ENTER: This 21st day of August, 2013.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE